



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

██████████  
Docket No. 4096-24

Ref: Signature date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ██████████  
██████████

Ref: (a) 10 U.S.C. § 1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting change to his discharge documents to upgrade his character of service, and change to his middle name from "NMN" to "Lamont." Enclosure (2) applies.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 14 June 2024, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, policies, to include reference (b).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and commenced a period of active duty on 12 June 1980. On 30 July 1981, Petitioner received non-judicial punishment (NJP) for two specifications of possession of marijuana. On 22 March 1982, Petitioner received NJP for unauthorized absence (UA), possession of marijuana, and use of marijuana. Consequently, Petitioner was recommended for discharge by reason of misconduct due to drug abuse, at which point, he waived his right to consult with counsel, and a hearing of his case before an administrative discharge board. The separation authority approved and directed Petitioner's separation with an

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[REDACTED]

Other Than Honorable (OTH) character of service by reason of misconduct due to drug abuse. On 12 May 1982, Petitioner was so discharged. Upon his discharge, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that indicated he had no middle name.

d. Petitioner provided a copy of his Ohio birth certificate which documents his middle name as [REDACTED]” Additionally, he provided correspondence from the Department of Veterans Affairs (VA) that indicates the VA found his service to be Honorable for their purposes. He contends that he is unable to qualify for certain veterans’ benefits due to his assigned characterization of service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner’s request for correction warrants partial relief. Specifically, the Board determined Petitioner’s DD Form 214 erroneously indicates he has no middle name and requires correction to reflect the name documented on his birth certificate.

Regarding Petitioner’s request to upgrade his characterization of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner’s case in accordance with the Wilkie Memo. These included, but were not limited to, his desire for a discharge upgrade and his previously discussed contention. For purposes of clemency and equity consideration, the Board noted Petitioner provided documentation from the VA but none describing post-service accomplishments or advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner’s misconduct, as evidenced by his NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of Petitioner’s misconduct and the fact it included multiple drug offenses. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board noted that marijuana use in any form is still against Department of Defense regulations and not permitted for recreational use while serving in the military. Further, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits, or enhancing educational or employment opportunities. Additionally, the Board determined Petitioner was provided an opportunity to correct his conduct deficiencies but chose to continue to commit misconduct. Finally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations.

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[REDACTED]

As a result, the Board concluded Petitioner's conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting Petitioner a discharge upgrade or granting a discharge upgrade as a matter of clemency or equity.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a "Correction to DD Form 214, Certificate of Release or Discharge from Active Duty" (DD Form 215), for the period ending 12 May 1982, which reflects correction of Petitioner middle name from "NMN" to [REDACTED]

No further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.
5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

7/11/2024

